

AMENDED IN ASSEMBLY MAY 5, 2008

AMENDED IN ASSEMBLY APRIL 2, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2413**

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**Introduced by Assembly Member Hayashi**

February 21, 2008

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An act to add Section 118.8 to the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2413, as amended, Hayashi. Excess real property sales.

Existing law authorizes the Department of Transportation to sell real property acquired by the state for highway purposes when the department determines that the property is no longer necessary, as specified.

This bill would require the department to offer to sell certain real property in the County of Alameda near the City of Hayward and State Highway Route 580 to ~~a city, county, or other political subdivision, or another state agency or that city or a~~ local nonprofit entity in support of a nonprofit or governmental agency that provides meal service programs to seniors and other individuals in need within a specified period of time after the department declares it to be excess property and subject to specified terms and conditions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 118.8 is added to the Streets and  
2 Highways Code, to read:

3 118.8. (a) Notwithstanding Section 54222 of the Government  
4 Code and Section 118.1 of this code, real property in the County  
5 of Alameda near the City of Hayward adjacent to the ramps  
6 connecting Foothill Boulevard to State Highway Route 580 and  
7 bounded by Apple Avenue and Oak Street, that was acquired for  
8 highway purposes, shall be first offered by the department to a  
9 ~~city, county, or other political subdivision or another state agency~~  
10 ~~or the City of Hayward or a local nonprofit entity~~ in support of a  
11 nonprofit or governmental agency that provides established meal  
12 service programs to seniors and others in need throughout the City  
13 of Hayward and its surrounding communities, subject to the  
14 provisions of this section.

15 (b) This section authorizes the department to enter into an  
16 agreement to sell the property. The conveyance of the property  
17 may be achieved through an option for purchase agreement, or  
18 other means, at fair market value *as determined by the department*.

19 (c) The agreement described in subdivision (b) may be entered  
20 into prior to completion of the Highway 238 Corridor Land Use  
21 Study and the prescribed use of the property shall comply with  
22 local planning and zoning requirements.

23 (d) If an option for purchase is not exercised or an agreement  
24 for sale is not executed within 270 days of the property being  
25 declared to be excess real property by the department, the option  
26 or other agreement shall be terminated and the department shall  
27 be released from its responsibility to offer the property pursuant  
28 to subdivision (a).

29 (e) The Legislature finds and declares that the conveyance of  
30 real property pursuant to this section serves a public purpose.